

REMARKS

This paper is in response to the final Office Action mailed February 22, 2005 and the Advisory Action mailed May 6, 2005. Claims 1-9 are pending and have been rejected. Claims 2, 7 and 9 have been canceled and new claim 10 has herein been added.

The examiner has rejected claims 1, 3-6, and 8 under 35 USC § 102(b) as being anticipated by US Patent no. 6,178,419 ("Legh-Smith"). The applicant respectfully asserts that the examiner has failed to provide any support for his interpretation and understanding of the word "assign," as found in the Legh-Smith reference. The applicant respectfully asserts that the examiner is still misinterpreting the teachings of Legh-Smith, and that the claims are patentable over Legh-Smith. Each claim of the present application requires, in part, "*assigning* each said Internet site at least one keyword contained within said keyword list for said site assigned topical category." The applicant respectfully asserts that the examiner is misinterpreting the word "assign," especially in light of Legh-Smith. The word "assign," in relation to Internet sites and keywords, is a term of art which is fully described in the specification of the present application. For example, paragraph 0001 of the presentation applicant states:

The present invention is related to a process of keyword generation for Internet sites. More particularly, the present invention relates to methodologically assigning keywords for promoting Internet sites and Internet pages through a *conventional search engine*....

Paragraph 0004 states "[t]he user starts their search by entering a search query containing at least one expected keyword inside the search engine search box, which the search engine uses to search its database and generate a return list of relevant Internet sites or pages."

Paragraph 0017 states "[t]he present invention provides a method for assigning relevant keywords for those seeking to promote their Internet sites through the use of conventional Internet search engines."

Paragraph 0030 states “[i]t is at this point that the preferred embodiment of the present invention recommends and assigns relevant keywords to the Internet site...or Internet page to ensure consistency and reliability of the Internet search service.”

Still further, Webster's Third New International Dictionary, 3rd Edition, defines “assign” as “3. specify, select, designate: fix authoritatively or exactly.” (Webster's Third New International Dictionary, 3rd Ed. 1993, pg. 132). Such definition is entirely consistent with the meaning of the word “assign” as used in the Internet site searching art in relation to assigning an Internet site a keyword. Accordingly, it is clear that keywords are assigned (i.e., fixed authoritatively or exactly) to Internet sites for keyword based search queries. If the keywords were not “assigned” to the Internet site, as the word is used in the art of keyword Internet search services, the Internet site would not be obtainable through a keyword search engine. As set forth in the specification of the present application, the preamble of claim 1, and the Legh-Smith reference, keywords are used for keyword searches, wherein the Internet site must have the queried keyword assigned to it in order to be returned in any search results list. The examiner's interpretation of “assign” is contrary to such usage.

Legh-Smith, on the other hand, teaches a method of controlling accessible Internet sites available to Internet searchers in the form of a directory-search methodology by only listing Internet sites *already* having specifically assigned keywords, and which are returned in a keyword search, conducted by a controller, based upon a predefined keyword list that is desired by a controller. To accomplish this, Legh-Smith creates a category list (300) and a keyword list (302) containing the keywords that the controller will search for Internet sites already having such keywords assigned to them. The keyword list (302) is created exclusively by the controller and lists the keywords that the controller desires to limit search-returned Internet sites to. (Col.

8, ln. 62 – Col. 9, ln. 1; Col. 9, ln. 28-35). As such, in order for the invention in Legh-Smith to find an Internet site, such Internet site must already have a keyword assigned to it which matches a keyword in the keyword list. In other words, Legh-Smith's keyword list (302) is used exclusively to conduct a keyword search, where the controller searches for Internet sites already having an assigned keyword that matches a keyword in the list. (see Col. 5, ln. 9-11: "The keywords are for the purpose of building the database but do not, as such, form part of the ultimate database structure."). This is inapposite to the claimed invention of the present application. The keyword list (302) in Legh-Smith has nothing to do with **assigning** any keywords to an Internet site assigned to a category, like the claimed invention. Again, Legh-Smith teaches that the respective keyword lists (302) are combined into a single keyword list (304), which is then used to conduct a conventional keyword searches (306), in order to find Internet sites that already have keyword assignments which match only the searched keywords that were chosen by the controller. (Col. 5, lines 15-17). The Internet sites that are returned in the keyword search are then categorized and scored. (Col. 5, lines 23-25). In other words, the keyword lists in Legh-Smith are used **only** to conduct the keyword searching for Internet sites that already have assigned their own keywords, independent of any category affiliation, and which only match the desired, listed keywords chosen by the controller.

Contrary to the examiner's interpretation, Legh-Smith's reference that "in step 316, the list of URLs (which as mentioned above is arranged by keyword) is cross-referenced back with the original description of categories and keywords, generated in step 302" (col. 5, lns. 45-48) is not the same as **assigning** any keyword to the Internet sites, as required by the present application. (Office Action, p. 4). In fact, continuing the referenced passage in Legh-Smith, Legh-Smith teaches that "the list of URLs ... is cross-referenced back with the original

description of categories and keywords, generated in step 302, *to identify those URLs which are candidates for each category.*" (col. 5, lines 45-49)(emphasis added). The identification of candidates is disclosed as a scoring system, wherein the keywords contained within the list for a category are searched within each Internet site to determine the Internet site's relevance to a category. (col. 5, lns. 45-49; col. 10, ln. 55-col. 11, ln. 46).

Accordingly, if an Internet site does not already have a keyword assigned to it which matches a keyword contained within the keyword list, then the Internet site's relevance to the category is lessened, thus removing the Internet site from the category. (col 11, lns. 35-38). Again, Legh-Smith does not teach that any of the keywords contained within the keyword list of a category is assigned to any of the Internet sites assigned to that category. This is especially so since the invention described in Legh-Smith relies exclusively upon the keyword *already assigned to the Internet site before the Internet site is assigned to any category*, because it is only by the already assigned keywords that the invention in Legh-Smith obtains Internet sites to include within its categories. (col. 5, lns 15-20). The claimed invention, on the other hand, assigns keywords from the keyword list of a category *after* the Internet site is assigned to the category, as clearly set forth by claim 1 of the present application. It is in this regard that the claimed invention provides consistency amongst the keywords assigned to related Internet sites, which is a stated object of the present invention. (See e.g., Paragraph 0018). Again, Legh-Smith only teaches a keyword list having keywords which is used to find Internet sites already having assigned keywords that match those keywords in the keyword list. Legh-Smith does not assign any keyword to any Internet site.

In fact, Legh-Smith discloses that "[o]nce pre-processing is complete, the documents are more readily comparable and scores *assigned* thereto have more meaning." (Col. 10, lns. 51-53).

It is clear that Legh-Smith recognizes a difference between the words "assigned" and "cross-referenced" whereas assigned, in the context used by Legh-Smith and the present application, requires to "specify, select, designate: fix authoritatively or exactly." (Webster's, pg. 132). Cross-referenced, on the other hand, and as used in the context of Legh-Smith means "a rotation or direction at one part of a work referring to pertinent information at another part of the work." (Webster's Third New International Dictionary, 3rd Ed. 1993, pg. 543).

Accordingly, it is clear that the meanings of the word "assign" and "cross-referenced," in the content of the art of Internet searching, and as fully supported by the present application, the Legh-Smith reference, and the ordinary dictionary definitions of the words, mean completely different things.

Further, Legh-Smith teaches that after it finds Internet sites, having previously assigned keywords that match keywords contained in the keyword list and determines if the Internet sites are relevant to the categories, the keywords in the keyword list are not even used any longer. That is because the invention disclosed in Legh-Smith is a broad category or directory-based search engine, which is not keyword query dependent. (col. 1, lns. 30-40; col. 6, ln. 55 – col. 7, ln. 16). The claimed invention, on the other hand, is designed to be used with a keyword based search engine, which is dependent upon a search query input, in the form of a keyword, which is evident from the fact that common keywords are assigned to Internet sites which are commonly assigned to a category. (See e.g., Paragraph 0001).

The independent claims of the present application first provides a topical category database and assigns at least one keyword to that category to create a keyword list specific to that category. Then, the claimed invention assigns Internet sites to the categories and only then, after the Internet site or page has already been assigned to the category, it assigns or provides to the

Internet sites keywords contained in the keyword list for that category they were respectively assigned to, regardless of any keywords that the Internet sites previously assigned to themselves. The present invention does not use its keyword list to actively conduct any search to find Internet sites that already have keyword assignments which match keywords contained in the list. Legh-Smith, on the other hand, uses its keyword lists **only** to conduct keyword based searches to popularize its databases, and it does not assign any of the keywords contained in the list to any of the Internet sites. In fact, Legh-Smith does exactly the opposite of what the present application is trying to achieve, which is consistency of keyword search results. (See e.g., Paragraph 0030). By controlling the actual keywords that are assigned to each Internet site, based upon the category that the Internet site is assigned to, the claimed invention of the present application ensures keyword consistency amongst the sites assigned to a common category. (See e.g., Paragraph 0030). Legh-Smith, on the other hand, relies exclusively on the Internet sites' own keyword assignments because it only searches for Internet sites that already have the desired keyword association. While it is true that Internet sites within a category in Legh-Smith may have common keywords, this is only because Legh-Smith first conducted a keyword search for Internet sites *already having* a chosen, pre-determined specific keyword in the keyword list before the Internet sites were assigned to any category, but Legh-Smith does not assign any keywords to any Internet sites assigned to a category, unlike the claimed present invention. Again, Legh-Smith relies exclusively on searching for the desired, predetermined keywords based only upon the keywords that the Internet site operators have already independently assigned to their respective Internet sites by their own independent determination. Legh-Smith does not assign any keywords to any Internet sites, unlike independent claim 1 of the present application.

The applicant has herein added new claim 10, which further provides the limitation that the system is used for a keyword-based Internet search query. Legh-Smith specifically teaches that the invention disclosed therein is only used for a category-based search system.

Claims 2-9 depend on Independent claim 1. Accordingly, the applicant respectfully asserts that the claims are patentable over the prior art of record, either alone or in combination, and the applicant requests the Examiner to reconsider and withdraw his rejections.

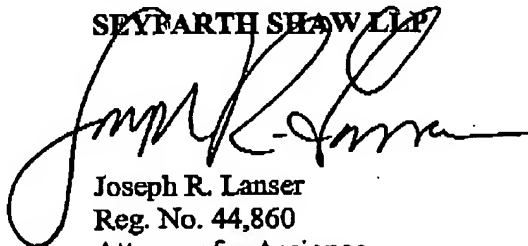
In the alternative, the applicant respectfully requests the examiner to provide some support for his understanding of the word "assign" in Legh-Smith which overcomes the applicant's, the common dictionary definition, and persons with ordinary skill in the art, common usage of the word.

CONCLUSION

In view of the foregoing, and in summary, the applicant respectfully asserts that the claims are considered patentable and are in a condition for allowance. Therefore, allowance of the application is respectfully requested.

Respectfully Submitted,

SEYFARTH SHAW LLP



Joseph R. Lanser
Reg. No. 44,860
Attorney for Assignee

SEYFARTH SHAW LLP
55 East Monroe Street, 42nd Floor
Chicago, Illinois 60603-5803
phone: (312)346-8000
facsimile: (312)269-8869
customer number: 27717